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Security Council

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Resolution 1565 (2004)

Adopted by the Security Council at its 5048th meeting, on 1 October 2004

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to respect the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all the States of the region,

Reaffirming its support for the process of the Global and All Inclusive Agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002), *welcoming* the efforts made to date for its implementation by the Government of National Unity and Transition, and *calling on* all the Congolese parties to honour their commitments in this regard, in particular so that free, fair and peaceful elections can take place within the agreed time frame,

Deeply concerned by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district, and by the grave violations of human rights and of international humanitarian law that accompany them,

Recalling that all the parties bear responsibility for ensuring security with respect to the civilian populations, and *recalling in particular* in this regard its resolutions 1325 (2000) on women, peace and security, 1379 (2001), 1460 (2003) and 1539 (2004) on children in armed conflict, and 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict,

Taking note of the third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), dated 16 August 2004 (S/2004/650), and of its recommendations,

Taking note of the letter of the Secretary-General dated 3 September 2004 (S/2004/715),

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

04-53189 (E)

1. *Decides* to extend the deployment of MONUC until 31 March 2005;

2. *Requests* the Secretary-General to arrange the rapid deployment of additional military capabilities for MONUC in accordance with the recommendation contained in his letter dated 3 September 2004, and, beyond, to deploy as soon as possible in the provinces of North and South Kivu all the brigades and appropriate force enablers;

3. *Authorizes* the increase of MONUC's strength by 5,900 personnel, including up to 341 civilian police personnel, as well as the deployment of appropriate civilian personnel, appropriate and proportionate air mobility assets and other force enablers, and *expresses its determination* to keep MONUC's strength and structure under regular review, taking into account the evolution of the situation on the ground;

4. *Decides* that MONUC will have the following mandate:

(a) to deploy and maintain a presence in the key areas of potential volatility in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring the use of force to threaten the political process, and to allow United Nations personnel to operate freely, particularly in the Eastern part of the Democratic Republic of the Congo,

(b) to ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence,

(c) to ensure the protection of United Nations personnel, facilities, installations and equipment,

(d) to ensure the security and freedom of movement of its personnel,

(e) to establish the necessary operational links with the United Nations Operation in Burundi (ONUB), and with the Governments of the Democratic Republic of the Congo and Burundi, in order to coordinate efforts towards monitoring and discouraging cross-border movements of combatants between the two countries,

(f) to monitor the implementation of the measures imposed by paragraph 20 of resolution 1493 of 28 July 2003, including on the lakes, in cooperation with ONUB and, as appropriate, with the Governments concerned and with the group of experts referred to in paragraph 10 of resolution 1533 of 12 March 2004, including by inspecting, as it deems it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri,

(g) to seize or collect, as appropriate, arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 20 of resolution 1493, and dispose of such arms and related materiel as appropriate,

(h) to observe and report in a timely manner, on the position of armed movements and groups, and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, in particular on the lakes;

5. *Decides* that MONUC will also have the following mandate, in support of the Government of National Unity and Transition:

(a) to contribute to arrangements taken for the security of the institutions and the protection of officials of the Transition in Kinshasa until the integrated police unit for Kinshasa is ready to take on this responsibility and assist the Congolese authorities in the maintenance of order in other strategic areas, as recommended in paragraph 103 (c) of the Secretary-General's third special report,

(b) to contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons,

(c) to support operations to disarm foreign combatants led by the Armed Forces of the Democratic Republic of the Congo, including by undertaking the steps listed in paragraph 75, subparagraphs (b), (c), (d) and (e) of the Secretary-General's third special report,

(d) to facilitate the demobilization and voluntary repatriation of the disarmed foreign combatants and their dependants,

(e) to contribute to the disarmament portion of the national programme of disarmament, demobilization and reintegration (DDR) of Congolese combatants and their dependants, in monitoring the process and providing as appropriate security in some sensitive locations,

(f) to contribute to the successful completion of the electoral process stipulated in the Global and All Inclusive Agreement, by assisting in the establishment of a secure environment for free, transparent and peaceful elections to take place,

(g) to assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations to put an end to impunity, and continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working closely with the relevant agencies of the United Nations;

6. *Authorizes* MONUC to use all necessary means, within its capacity and in the areas where its armed units are deployed, to carry out the tasks listed in paragraph 4, subparagraphs (a) to (g) above, and in paragraph 5, subparagraphs (a), (b), (c), (e) and (f) above;

7. *Decides* that MONUC will also have the mandate, within its capacity and without prejudice to carrying out tasks stipulated in paragraphs 4 and 5 above, to provide advice and assistance to the transitional government and authorities, in accordance with the commitments of the Global and All Inclusive Agreement, including by supporting the three joint commissions outlined in paragraph 62 of the Secretary-General's third special report, in order to contribute to their efforts, with a view to take forward:

(a) Essential legislation, including the future constitution,

(b) Security sector reform, including the integration of national defence and internal security forces together with disarmament, demobilization and reintegration

and, in particular, the training and monitoring of the police, while ensuring that they are democratic and fully respect human rights and fundamental freedoms,

(c) The electoral process;

8. *Requests* the Secretary-General to report to the Council within one month of the adoption of this resolution, on reforms necessary to improve the structures of command and control and the management of military information within MONUC, and to rationalize the civilian and police components of MONUC;

9. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

10. *Requests* the Secretary-General to ensure that his Special Representatives for the Democratic Republic of the Congo and for Burundi coordinate the activities of MONUC and ONUB, in particular:

- by sharing military information at their disposal, especially those concerning cross-border movements of armed elements and arms trafficking,
- by pooling their logistic and administrative resources, to an extent that does not prejudice the ability of these missions to carry out their respective mandates, in order to ensure their maximum efficiency and cost-effectiveness,
- and by coordinating, as appropriate, implementation of the national programmes for disarmament and demobilization and repatriation, reintegration and resettlement;

11. *Stresses* the need for the Government of National Unity and Transition to carry out the process provided for by the Global and All Inclusive Agreement, and in particular to implement the recommendations listed in paragraph 54 of the Secretary-General's third special report, including by producing, with the support of MONUC, precise plans and timelines in each of the fields identified;

12. *Calls upon* the Government of National Unity and Transition to cooperate closely with MONUC in establishing three joint commissions on essential legislation, security sector reform and elections, and in implementing the security sector reform, in accordance with paragraph 7 above;

13. *Urges* the Government of National Unity and Transition to continue with determination and rapidity the integration of the security forces, in particular the integration of the armed forces, and *underlines* the importance of regular meetings of the Supreme Defence Council and of its cooperation with the international partners of the Democratic Republic of the Congo, especially with MONUC, as positive signals of the commitment of the Government of National Unity and Transition in this regard;

14. *Urges* the Government of National Unity and Transition to develop without further delay a plan for the disarmament of foreign combatants, and to entrust its implementation to the Armed Forces of the Democratic Republic of the Congo, with the support of MONUC;

15. *Urges* each of the Governments of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda, to ensure that its territory is not used to infringe the sovereignty of the others, to realize without further delay the complete

normalization of their bilateral relations, and to cooperate actively in assuring security along their common borders, in particular by implementing agreements they have signed for the establishment of joint verification mechanisms with the active participation of MONUC, and *exhorts* them to comply in this regard with the recommendations listed in paragraph 55 of the Secretary-General's third special report;

16. *Urges* in particular, the Governments of the Democratic Republic of the Congo and Rwanda to work together and with MONUC and the African Union, with a view to removing the threat posed by foreign armed groups, as they have agreed to in the Agreement signed in Pretoria on 30 July 2002 and the Declaration signed in Pretoria on 27 November 2003 and in accordance with the "Terms of Reference" signed in New York on 22 September 2004;

17. *Calls upon* the Government of National Unity and Transition and Congolese officials at all levels to take all necessary steps, while respecting freedom of expression and of the press, to prevent the use of the media to incite hatred or tensions among communities;

18. *Calls upon* the Member States, the international organizations concerned and the community of donors to provide their full support to the transitional process, the extension of State authority throughout the territory and long-term social and economic development, in the Democratic Republic of the Congo, and *encourages* them in this regard to respond positively to the recommendations listed in paragraph 57 of the Secretary-General's third special report;

19. *Strongly condemns* violence and other violations of international humanitarian law and human rights, in particular those perpetrated against civilians, in the Democratic Republic of the Congo, and *demands* that all parties and Governments concerned in the region, including the Government of National Unity and Transition, take without delay all necessary steps to bring to justice those responsible for these violations and to ensure respect for human rights and international humanitarian law, as appropriate with relevant international assistance, as well as to guarantee the security and well-being of the civilian population;

20. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the safety of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, *demands* in particular that all parties provide full access to MONUC military observers, including in all ports, airports, airfields, military bases and border crossings, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

21. *Recalling* its resolution 1502 of 26 August 2003, *reaffirms* the obligation of all parties to comply fully with the rules and principles of international humanitarian law applicable to them related to the protection of humanitarian and United Nations personnel, and *also urges* all those concerned to allow immediate, full and unimpeded access by humanitarian personnel to all people in need of assistance as set forth in applicable international humanitarian law;

22. *Recalls* the link between the illicit exploitation and trade of natural resources in certain regions and the fuelling of armed conflicts and, in line with its resolutions 1493 (2003), 1533 (2004) and 1552 (2004), *condemns categorically* the illegal exploitation of the natural resources and other sources of wealth of the

Democratic Republic of the Congo, *urges* all States, especially those in the region including the Democratic Republic of the Congo itself, to take appropriate steps in order to end these illegal activities, including if necessary through judicial means, and to report to the Council as appropriate, and *exhorts* the international financial institutions to assist the Government of National Unity and Transition in establishing efficient and transparent control of the exploitation of natural resources;

23. *Welcomes* the convening of the international conference on peace, security, democracy and development in the Great Lakes region of Africa, with inclusive participation by all the Governments concerned, under the aegis of the African Union and the United Nations, with a view to strengthening stability in the region and working out conditions that will enable each State to enjoy the right to live in peace;

24. *Encourages* all Member States to increase international political engagement in the peace process in the region, as requested in paragraph 57 of the Secretary-General's third report;

25. *Expressing grave concern* at the allegations of sexual exploitation and misconduct by civilian and military personnel of MONUC, *requests* the Secretary-General to continue to fully investigate these allegations to take the appropriate action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed, *further encourages* MONUC to conduct training for personnel targeted to ensure full compliance with its code of conduct regarding sexual misconduct, and *urges* troop-contributing countries to take appropriate disciplinary and other action to ensure full accountability in cases of such misconduct involving their personnel;

26. *Requests* the Secretary-General to keep it informed regularly of developments in the situation in the Democratic Republic of the Congo, and to submit to the Council before 28 February 2005 a report on the execution of MONUC's mandate, including an evaluation of the structure and strength of its military, civilian and police components, with a view to their adjustment according to the progress made on the ground and the tasks remaining to be accomplished;

27. *Reiterates its strong support* for the Special Representative of the Secretary-General and MONUC, and for the efforts they continue to make to assist the parties in the Democratic Republic of the Congo and in the region to advance the peace process;

28. *Decides* to remain actively seized of the matter.